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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,458	01/02/2002	Raymond Anthony Joao	RJ450	6587

7590 02/28/2005

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/032,458

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office action is in response to Applicant's amendment, filed on 12/10/2004.
2. Claims 1-40 are cancelled and claims 41-60 are added.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>©</sup> of this title before the invention thereof by the applicant for patent.

4. Claims 41-60 are rejected under 35 U.S.C. 102 (e) as being anticipated by Kolls (U.S. pat. No. 6,604,085).

As per claims 41, 52 and 59-60 Kolls discloses a universal advertising and payment system for networking, monitoring and controlling electronic commerce and vending equipment, comprising:

a memory device, wherein the memory device stores information regarding an account, information for preparing a bill or an account statement for the account, address information for an account holder, and at least one of marketing information, advertising information, and promotional information (see., abstract, col 26, lines 39-44, col 32, lines 22-32, specifically wherein it is stated the DII processing to bill a customer and can

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select advertising and other marketing advertisements from a database or local database);

a processor device, wherein the processing device automatically generates a monthly bill or a monthly account statement for the account, and further wherein the processing device automatically identifies and generates at least one of marketing material, advertising material, and promotional material, wherein the at least one marketing material, advertising material, and promotional material, is identified based on a pre-selection made by the account holder (see., abstract, col 4, lines 46-65, col 22, lines 7-25, specifically wherein said advertisement can be target marketed to a selected..., fig 13); and

a printer (or an output device), wherein the printer is located at a location remote from the account holder, wherein the printer prints the at least one of marketing material, advertising material, and promotional material, in hard copy form for physical mail delivery to an account holder along with the monthly bill or the monthly account statement (see., abstract, col 5, lines 19-34, item printer 104, col 4, lines 46-65, col 22, lines 7-25, please note that the printer of kolls is capable of printing data in hard copy form for physical mail delivery along with an account bill see., col 5, lines 47-67, specifically wherein said an unattended business center in which product and services can be vended. The control of a vending machine can include monitoring and accounting for products and services rendered from the vending machine...). Furthermore, a printer is for printing hardcopy or (s).

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As per claims 49-51 Kolls discloses the claimed limitations wherein the at least one of a marketing materials, advertising materials, and promotional materials, generated by the processing device is pre-selected by at least one of an operator of the apparatus, a merchant, a vendor, an advertiser, a marketer, and a promoter (see., abstract, col 4, lines 46-65, col 22, lines 7-25, it is inherent to realize that the vending machine of Kolls can also accept and display newspaper, magazine and a periodical).

As per claims 42-48 and 53-58 Kolls discloses the claimed limitations wherein the processor generates the at least one of an account bill, an account billing statement, an account statement, and an account correspondence, and further wherein the output device outputs the at least one of an account bill, an account billing statement, an account statement, and an account correspondence (see., abstract, col 4, lines 46-65, col 22, lines 7-25, specifically wherein said advertisement can be target marketed to a selected..., fig 13.

## RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 12/10/2004 have been fully considered but they are not persuasive.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

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MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

**Primary Patent examiner**

**February 23, 2005**